

Issue Brief – Underground Storage Tank Program

NUMBER: TEQMA-IB-02

SUMMARY

The Division of Environmental Response and Remediation administers the Underground Storage Tank (UST) program which is charged with enforcing state and federal underground storage tank regulations in the State. The Underground Storage Tank Section conducts compliance inspections at underground storage tank facilities and coordinates interaction with local health departments under contract to conduct inspection and compliance work.

The Leaking Underground Storage Tank Remedial Assistance Section has the responsibility for overseeing clean-up activities at leaking underground storage tank sites. The Division is responsible for taking compliance actions against responsible parties at leaking underground storage tank sites, and responding to tank emergencies.

The Petroleum Storage Tank Remediation section is responsible for administering the Petroleum Storage Tank Fund, which is a state trust fund established to provide financial assurance for underground storage tank owners to clean up releases from their tanks. Claims against the fund are processed, clean-up work reviewed and approved, and assistance given to underground storage tank owners to complete the clean-up process.

DISCUSSION

Since 1993 the Legislature has appropriated over \$9.5 million dollars from the Petroleum Storage Tank Expendable Trust Fund to clean up underground storage tanks which are not covered under the trust fund. It is the department's responsibility to attempt to recover those expended funds from responsible parties. Recovery efforts will replenish expended funds making money available for clean up of other contaminated sites. Each of the last five years the Legislature appropriated one time funding of \$87,200 for the Department to contract with the Attorney General's Office for cost recovery services. The Department has received negotiated settlements of \$2,568,681 with expenditures of \$535,992 since the process started. In addition owners have initiated approximately \$800,000 worth of additional clean ups as a result of the Department pursuing legal action. The work load for this function in FY 2007 estimated to be covered sufficiently with equivalent of one half FTE rather than the full years.

LEGISLATIVE ACTION

The Analyst recommends that the Transportation, Environmental Quality, and National Guard Appropriations Subcommittee approve \$43,600 to be appropriated from the Petroleum Storage Tank Expendable Trust Fund on a one time basis to continue to pursue recovery of these funds.